

REMARKS/ARGUMENTS

This is in response to the official action dated October 18, 2004. Reconsideration is respectfully requested.

The examiner objected to the drawings under 37 CFR 1.84(i). Formal drawings are submitted with this response. Applicant respectfully submits that the objections are overcome.

Claims 26-50 are standing in this application. The Examiner rejected claim 48 under 35 U.S.C. Sec.112. Claim 48 was amended and this rejection has been overcome.

Further, the Examiner rejected claims 26-50 under 35 USC 102 (a) as being obvious over U.S. 4,916,308 (Meadows) in view of U.S. 6,742,907 (Funamoto). The Examiner conceded that the primary reference of Meadows would not show "a light source a radiation source...arranged on at least one end face of the transparent cover plate." For this missing element, the Examiner cited Funamoto.

Applicants have amended both independent claims 26 and 48 to further distinguish over the references and for clarity, readability and to better conform to U.S. claiming practice.

Meadows differs from applicants invention in several aspects. The reference describes a flat panel liquid crystal display having a touch panel with a multitude of pixels arranged in multiple columns and multiple rows. The pixels of the first column and last column, and of the first row and of the last row are controlled in conjunction with two emitters and two detectors with associated mirrors to create a sequence of light beams that extend across the display panel in both the X and Y directions. Whenever a stylus is placed near the display panel, two orthogonal light beams are interrupted corresponding to the X and Y positions of the stylus relative to the display panel. The touch panel is designed a "light curtain" in front of the display generated by the X and Y-emitters in the X and Y directions (see Fig. 2).

In contrast, the present invention describes and claims light being channeled in the display surface (the cover plate) and coupled out of the cover plate within the display device through the transparent electrochromic cell and the transparent support plate to the photodetector. The present invention discloses and claims that in case of a contact on the cover plate (touch), the light path is not interrupted but the reflection parameters of the cover plate are temporarily

modified so that the amount of light coupling out of the cover plate is affected. The photodetector registers the variation of the amount of light coupled out of the cover plate in the absence of contact and in the event of the contact. Thus, the structure and its effect provided in the present invention are completely different than the Meadows references cited by the Examiner. The deficiency of the primary reference can not be cured by the secondary reference of Funamoto. A combination would not provide a different disclosure of Meadows. Briefly, Funamoto discloses an illumination device and how to couple light emitting at least from one end face of the device into a glass plate and how to create uniformity using a permanent deformed surface. As stated, combining the references would not come even close to applicants' instant invention.

Independent claims 26 and 48 have been amended to further clarify the invention. A claim is properly rejected as obvious over a reference only when the differences between the claimed subject matter and the reference would have been obvious to a person of ordinary skill in the field at the time that the claimed invention was made. In addition, when an obviousness rejection is made over a combination of references, it must also have been obvious to a person of ordinary skill to combine the references as suggested by the Examiner.

The obviousness rejection has been overcome by showing that the claim is different from the reference, and the combination of references in ways which would not have been obvious and/or, when the Examiner has combined references.

Accordingly, it is submitted that independent claims 26 and 48 are not obvious over the references and the rejection should be withdrawn.

Independent claims 27-47, depending on amended claim 26 directly or indirectly, and independent claims 49-50, depending on amended claim 48 directly, are patentable for the same reasons as the independent claims are patentable.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.


CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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